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TOWNSEND AND TOWNSEND AND CREW LLP/ORACLE
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
FLEISCHER, MARK A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 October 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4,5 and 7-22_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4,5 and 7-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _12 Feb. 2010, 28 Oct. 2009, 13 Nov. 2009_.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This supplemental Office Action is in reply to the amendments filed on 28 October 2009.

2. Claims 1, 2, 4, 10, 11, 19 and 22 have been amended.

3. Claims 3, 6 and 23 have been cancelled.

4. Claims 1, 2, 4, 5 and 7–22 are currently pending and have been examined.

Response to Amendment

5. The rejections of claims 1, 2, 4 – 5 and 7 – 22 under 35 U.S.C. 112, first paragraph are maintained for reasons set forth below.

Response to Arguments

6. Applicant's arguments received on 28 October 2009 have been fully considered, but they are not persuasive and, due to the amendments are moot. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

    As noted in the prior Office action, Applicant has attempted to distinguish the claims from those taught in the prior art by amending the claims to articulate distinct programs using negative limitations, which are generally considered a valid approach to narrowing a claim. Applicant's use of the negative limitations however presents several problems as noted in the 35 U.S.C. §112 rejections below. Notwithstanding those particular issues, the essence of these negative

limitations is presented in a host of prior art including Rosnow and others as shown in a supported Examiner's **Official Notice** which describes projects and/or programs managed by separate individuals or entities.

Applicant attempts to traverse the rejection under 35 U.S.C. §112, first paragraph by referring to specific portions of the specification. The claim language, specifically "not stored as" is very specific and is not disclosed. Examiner believes that the gist of what Applicant attempts to convey, is that there is the notion of compartmentalization is large software development projects, but this specific notion, if that is indeed all that Applicant attempts to convey, is amply disclosed in the prior art noted below. Nonetheless, nowhere in the specification is it stated that program activities "are not stored as activities of another program..." or is that degree of specificity suggested over and above what is taught in the prior art.

Although Applicant correctly notes that subject matter need use the same terms (Remarks, p.9), Applicant conveys are very specific notion beyond mere compartmentalization by referring to specific acts, *i.e.,* 'storing'. This provides additional, substantive gloss on the notion of compartmentalization, hence must be supported in the specification, which it is not.

Insofar as the rejections under Section 103, Examiner has modified the use of the art and has offered several other pieces of prior art in support of Examiner's **Official Notice**. Finally, and as noted earlier, Robson clearly contemplates the notion of a plurality of programs: "According to the present invention, the database [ ] may store the tasks, Issues, Change Requests and Change Orders for a single project <u>or for multiple projects</u>." (emphasis added—Robson [9,25]). Thus, the prior art of record, does teach and at least renders obvious, the notion of displaying and identifying the cross/inter-dependencies between and among tasks of a large and complex project <u>and</u> between and among tasks of several large and complex projects.

Claim Rejections - 35 USC § 112

First Paragraph

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 2, 4 – 5 and 7 – 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Independent claims 1, 2, 10, 11, 19 and 22 contain the phrases "are not considered activities of a larger program" or "are not stored as…" These limitations constitute negative limitations. The MPEP states the following with regard to negative limitations:

  > "The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. <u>So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph</u> … Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), aff 'd mem., 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation <u>which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first</u>

paragraph, as failing to comply with the written description requirement."

(MPEP §2173.05(i)) (emphasis added)

These claims therefore do not satisfy the requirements under 35 U.S.C. §112, second paragraph, nor do they satisfy the written description requirement under 35 U.S.C. §112, first paragraph as the aforementioned limitations are not described in the disclosure.

- Claims 9 and 18 recite the phrase "selected from a group consisting of: phases, tasks, deliverables, and gates." The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the term "gate" is not disclosed in the specification.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 2, 4, 5, 10–14, 16, 19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (US 7330822 B1) in view of Pollalis (US 5016170 A) and further in view of Examiner's **Official Notice**.

Claims 1, 10, 11, 19 and 22:

Although claims 1, 10, 11, 19 and 22 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Robson, as shown, describes and/or discloses the following limitations:

- *receiving at the computer system, an interdependency between a first activity in a first program and a second activity in a second program, [...]* (Robson, in at least [5,44] states "Other dependency relationships may be defined and implemented within the context of the present invention [...]") (emphasis added) where 'defining and 'implement[ing]' dependency equates to *receiving interdependencies...* See also [9,34-49], the step of "storing" and 'defining' a dependency relationship ([9,50]) also corresponds to *receiving interdependencies,* and in at least [9,27] refers to "multiple projects" which corresponds to *from a plurality of programs.* Robson [7,52-7] states "Each of the newly defined and integrated Tasks, Issues, Change Requests andor Change Orders may be assigned to a specific person or entity who may be given primary responsibility for the resolution and completion of the newly defined and integrated Task, Issue, Change Request and/or Change Order." (emphasis added) where 'assigned to...' is indicative of specified programs, hence from a plurality of programs. Note also that Robson [1,42] states "Large and complex projects may involve hundreds or thousands of people, and are often widely distributed, not only across geographical and political boundaries, but also across enterprise boundaries and time zones." and thus contemplates the issues of managing many individual program or projects managed by many different individuals. Robson [5,52] goes on to say that "Large projects, by their very nature, may not be fully definable at the project inception. That is, each constituent task of the project may not be defined at the start of the project. Problems can and frequently do arise in complex projects, and these problems, whether on the project critical path or not, may be interrelated to other tasks within the project." This indicates the concept of a project having many interrelated

tasks where such tasks could reasonably be denominated as a sub-project with its own constituent set of activities.) *and;*

- *graphically displaying, at the computer system the interdependency between the first activity and the second activity in a computerized schedule available to a program manage of the first program and a program manager of the second program wherein a modification of the first activity in the first program causes an effect of the modification on a schedule for the second activity in the second program to be graphically displayed in the computerized schedule* (Note, Examiner interprets this last limitation as having identical scope as the last limitation in **claim 10**. See above and Robson [5,52] for the concepts of several projects and activities. Robson [2,10-12] refers to "improved project scheduling tools that enable project contributors to dynamically update the project definition and timeline." Robson, in at least [6,27] states: "This ability […] not only enables project managers to manage […]" (emphasis added) where 'enables project…' corresponds to *multiple program managers* that are 'enabled', hence where the *schedule [is] available*. Robson also refers to the "project schedule" where it is "viewed as a computer system configured for managing a project…", hence corresponds to *a computerized schedule*. Robson further states in at least [1,58]: "What are needed, [ ], are […] tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where this pertains to the 'modification of activities' and the 'update' of the related 'schedule'. In claim 10, the modified schedule corresponds to the *impact of a schedule*. Finally, Robson [5,64] makes the notion of sets of activities explicit and states "One of the major responsibilities of project managers is to accelerate the priority of selected tasks, as it is often only the project manager (or the managers of specific portions of the project) that is privy to the macro-level view of the project necessary to identify potential problem areas and to take the requisite preemptive measures. If unanticipated problems arise and are not integrated within the larger project

management framework, critical dates may slip and the timeliness of completion of the

project may be in jeopardy." (emphasis added, parenthetical in the original).)

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis,

in an analogous art, does as shown. In at least the abstract, Pollalis states: "[I]nformation about

dependencies in the performance of the tasks are indicated graphically on the display."

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the features of Robson and Pollalis because Pollalis' system "is interactive,

readily understandable, capable of generating meaningful visual images which are useful for the

development of schedules and easily updated. It can be employed to develop an initial schedule,

monitor progress, generate forecasting information, and manage a project or group activity."

(Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those

skilled in the art would have recognized that applying the known technique would have yielded an

improvement that was predictable.

Neither Robson nor Pollalis specifically teach *wherein the first and second programs are*

not stored as activities of another program by the computer system, but Examiner takes **Official**

Notice that it is old and well-known as well as common place in the software development arts

that complex software development projects are typically undertaken by teams of

developers/programmers and that each team is assigned to work on separate and distinct

program elements or modules comprising a set of tasks and activities, hence not stored on

common machines or databases. Such teachings are provided in Robson [1,48] which states

"Compartmentalization is commonly used to segregate project contributors for a variety of

reasons, such as to insure security. The consequence of such compartmentalization, however, is

that project contributors do not have the access required to determine the relative importance of

the task assigned to them within the project. As most tasks within a project are connected to

many others, a failure or delay in even a seemingly low-level task may have profound

repercussions in higher level tasks as the effect of that failure or delay ripples up the project

hierarchy." (emphasis added). Rosnow [15,44] states "The project planning system includes a

knowledge repository as one or more databases in which project information is accumulated as

projects are completed, dropped from consideration, or put on hold or halted during development.

Thus, institutional knowledge and experience developed during previous or currently ongoing

separate projects ..." (emphasis added) and in Kulkarni [0004-8] which describes and/or discloses

"A real challenge in software development of complex applications, such as business applications

for example, is that there is no solid tool support in prior-art that enables sufficient automation of

the development process or that can keep track of parallel operations on independent modules of

the application that have been assigned to separate team members for development. [...]

Division of work into units that can be independently developed by a team with guarantees of

integration." (emphasis added) and in Corral [1,17] which states "Today, however, difficulties

arise for complex and large-sized organizations when heterogeneous teams work together, i.e.

teams of different sizes, located in distant geographies, using multiple technologies, wherein

several developments are conducted in parallel and integrated in a common system, and for

which the workflow of information is dynamically managed." (emphasis added).   While the

aforementioned art does not specifically recite the claim language of ...*programs are not stored*

as activities of another program, this is fairly implied by the context and wording in the above art

and in view of the nature of the art itself. The above citations using words such as "independent

modules", "separate team members" and "developments conducted in parallel" reflect the nature

of complex software development and project management where components are developed

separately and then integrated. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine the teachings of Robson, Pollalis and what

is old and well-known in the art as all pertain to project management methods used in software

engineering and providing information pertinent to separate projects or program management by

separate entities and improves efficiency and reduces the "duplicity of work performed" (Rosnow

[27,10] *inter alia*), and such technical methods for combining these teachings existed at the time

of the invention and the results of such combination was predictable.

Claim 2:

Robson, as shown, describes and/or discloses the following limitations:

- *storing in a database* (Robson, in at least [3,39] states: "[I]n a project that includes a <u>plurality</u> <u>of interdependent tasks</u>, [...] the <u>database storing</u>: a definition of a first and a second task, a status associated with each of the first and second tasks, <u>and a first dependency relationship</u> between the first and the second task [ ]" (emphasis added) where the 'database' stores the 'interdependent tasks' and the 'dependency relationship') (Robson [3,42-4]) *cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs, wherein the cross-program dependency information includes an interdependency between a first activity in the first program and a second activity in the second program, [...]* (Robson [5,64] makes the notion of sets of activities explicit and states "One of the major responsibilities of project managers is to accelerate the priority of selected tasks, as it is often only the project manager <u>(or the managers of specific portions of</u> <u>the project)</u> that is privy to the macro-level view of the project necessary to identify potential problem areas and to take the requisite preemptive measures. If unanticipated problems arise and are not integrated within the larger project management framework, critical dates may slip and the timeliness of completion of the project may be in jeopardy." (emphasis added, parenthetical in the original) Robson [7,52-7] states "Each of the newly defined and integrated Tasks, Issues, Change Requests andor Change Orders may be <u>assigned to a</u> <u>specific person or entity</u> who may be given primary responsibility for the resolution and completion of the newly defined and integrated Task, Issue, Change Request and/or Change Order." (emphasis added) where 'assigned to...' is indicative of specified programs, hence from a plurality of programs. Note also that Robson [1,42] states "Large and complex projects may involve hundreds or thousands of people, and are often widely distributed, not only across geographical and political boundaries, but also across enterprise boundaries and time zones." and thus contemplates the issues of managing many individual program or projects managed by many different individuals. Robson [5,52] goes on to say that "Large

projects, by their very nature, may not be fully definable at the project inception. That is, each

constituent task of the project may not be defined at the start of the project. Problems can

and frequently do arise in complex projects, and these problems, whether on the project

critical path or not, may be interrelated to other tasks within the project." This indicates the

concept of a project having many interrelated tasks where such tasks could reasonably be

denominated as a sub-project with its own constituent set of activities.)*; and*

- *graphically displaying, at the computer system, the interdependency between the first activity*

  and the second activity in a program schedule wherein a modification of the first activity in the

  first program causes an effect of said modification on a schedule for the second activity in the

  second program to be graphically displayed in the program schedule (Robson [3,8] states "A

  step may be carried out to maintain a selectively and remotely accessible graphical

  representation of the first task, the second task, the first dependency relationship, the defined

  Issue, Change Request and/or the Change Order and/or the second dependency

  relationship, among other items. The selectively and remotely accessible graphical

  representation may be rendered on a Web browser or other interface." (emphasis added)

  and Robson, in at least [6,27] states: "This ability [...] not only enables project managers to

  manage [...]" (emphasis added) where the text refers to *multiple program managers* that are

  'enabled', hence where the *schedule [is] available*.   Robson also refers to the "project

  schedule" where it is "viewed as a computer system configured for managing a project...",

  hence corresponds to *a computerized schedule*.   Robson further states in at least [1,58]:

  "What are needed, [ ], are [...] tools that enable project contributors to dynamically update the

  project definition and timeline." (emphasis added) where this pertains to the 'modification of

  activities' and the 'update' of the related 'schedule' and corresponds to *causes an effect of*

  said modification to said program schedule to be displayed.   See also Robson [3,25]

  regarding the graphical representation. See the rejection of claim 1 with respect to the notion

  of activities between and among sets of activities.).

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: "[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis' system "is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity." (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Neither Robson nor Pollalis specifically teach *wherein the first and second programs are not stored as activities of another program in the database* but Examiner takes **Official Notice** that it is old and well-known as well as common place in the software development arts that complex software development projects are typically undertaken by teams of developers/programmers and that each team is assigned to work on separate and distinct program elements or modules comprising a set of tasks and activities, hence not stored on common machines or databases. See the rejection of claim 1 above. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Robson, Pollalis and what is old and well-known in the art as all pertain to project management methods used in software engineering and providing information pertinent to separate projects or programs management by separate entities improves efficiency and reduces the "duplicity of work performed" (Rosnow [27,10] *inter alia*), and such technical methods for combining these teachings existed at the time of the invention and the results of such combination was predictable.

Claim 4:

Robson describes and/or discloses the limitations of claim 1 as shown above. Robson further

describes and/or discloses the following limitation.

- *said modification initiates an approval request requiring a response before said modification*

  (Robson, in at least [0014] states: "[T]o resolve an Issue, the <u>execution of specific steps</u> may

  be required. [...T]he steps required to resolve the Issue may be such as to require <u>some</u>

  <u>level of authorization</u> from some level of the project management team. In such a case, the

  Issue may evolve into (or may be modified to include) a <u>Change Request</u> [...] When and <u>if</u>

  <u>authorization is obtained</u> to implement the changes [...], the Change Request [ ] may evolve

  into (or be replaced by) a <u>Change Order</u>, [that], identifies the changes or steps that have

  been <u>authorized by the relevant authority</u> to resolve the Issue[...]." (emphasis added) where

  modification of [an] activity is correspondent with 'execution of specific steps' along with

  approval request which is correspondent to a 'change request' and *requiring a response*

  before said modification is correspondent with 'if authorization is obtained' and 'authorized by

  the relevant authority'.)

Claim 5:

Robson describes and/or discloses the limitations of claim 3 as shown above. Robson further

describes and/or discloses the following limitation.

- *said modification causes an electronic message to be sent to the program manager of the first*

  program and the program manager of the second program (Robson, in at least [7,57] states:

  "The present invention may also advantageously be configured to <u>send a message</u> (such as

  by <u>email</u>, for example) <u>to the person assigned to any given Task, Issue, Change Request</u>

  <u>and/or Change Order</u>. The message may be <u>automatically sent</u> via a <u>workflow and Web-based</u>

  <u>system</u> before the due date of the Task, Issue, Change Request and/or Change Order to

  remind and/or prompt for changes in the status and estimated completion dates thereof.

  <u>Automated email-based messaging</u> is highly useful [...]." (emphasis added) where the

  emphasized text pertaining to 'email' corresponds to *an electronic message* and 'to the

person…' corresponds to *managers of programs* as they are typically responsible for processing 'change requests'. Robson does not specifically teach that such messages are sent between 'program managers' *per se*, but Robson, as noted above, does teach sending messages. Note that this message is 'automatically' sent to "the person assigned" which encompasses the task of managing, hence to program managers.)

Claim 12:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The system of Claim 11 wherein the modification of one of the first or second activities initiates an approval request, said approval request requiring a response before said electronic schedule is updated with reestablished interdependencies* (Robson, in at least the abstract states: "[T]he <u>Change Request</u> identifies step(s) to be taken <u>pending authorization</u> to resolve the Issue and the <u>Change Order</u> identifies <u>authorized step(s)</u> to do so." (emphasis added) where 'change request' and 'change order' corresponds to *modification of an activity* and 'authorized steps', *ipso facto* requires some approval *response*. In [0007], Robson states: "What are needed, therefore, are improved project scheduling tools that <u>enable project contributors</u> to <u>dynamically update</u> the <u>project definition and timeline</u>." (emphasis added) where 'contributors' corresponds to entities initiating an *approval request* and 'dynamically update' and 'project definition and timeline' correspond to *reestablished interdependencies* as new project definitions entail new project dependencies.)

Claim 13:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The system of Claim 11 wherein the modification of one of the first or second activities causes an electronic message to be sent the program manager of the first program and the program manager of the second program* (Robson, in at least [0016] states:

"<u>Automated email-based messaging</u> is highly useful when the <u>resolution</u> of one or more

Tasks, Issues, <u>Change requests</u> and/or <u>Change Orders</u> <u>depends upon actions of people</u>

or organizations that are widely scattered across multiple organizations, countries and/or

time zones." (emphasis added) where 'automated email…" corresponds to *an electronic*

message and 'resolutions' that 'depends upon actions of people' together corresponds to

managers of programs affected by said attempted modification because the resolution is

ipso facto made by those *affected* by change requests or orders. See also the rejection

of claim 5 above.)

Claim 14:

Robson describes and/or discloses the limitations of claim 11 as shown above. Robson further

describes and/or discloses the following limitation.

- *wherein the electronic schedule has a fixed duration, and wherein if the modification to*

  one of the first or second activities causes the fixed duration to change, an electronic

  notification is sent to the program managers of the first and second programs (Robson,

  in at least [1,58] to [2,20] states: "What are needed, therefore, are […] tools that enable

  project contributors <u>to dynamically update</u> the project definition and timeline […] to

  <u>update the status</u> of their assigned task […] in a manner that insures that the overall

  <u>project timeline</u> accurately describes the current status of the entire project […]."

  (emphasis added) and in at least [7,58] states: "The present invention may also

  advantageously be configured to send a <u>message</u> (such as by <u>email</u>, for example) <u>to the</u>

  <u>person assigned</u> to any given Task, Issue, Change Request and/or Change Order."

  (emphasis added) where the 'project timeline' accounts for tasks with *fixed duration* or

  'anticipated' duration (timeline—see Robson at [1,17] regarding "anticipated timeline")

  and is 'dynamically update[d]' via a 'message' sent by 'email' which corresponds to

  electronic notification. See also the rejection of claim 5.)

Claim 16:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *said system is a web-based Program Management Application* (Robson, in at least [0024] states: "As shown [...] the <u>Web-enabled application</u> embodying the present invention [...]" (emphasis added).)

Claim 20:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above. Robson further describes and/or discloses the following limitation.

- *said network is The Internet* (Robson, in at least [0011] states: "The computer network may include the <u>Internet</u> [...]" (emphasis added).)

11. Claims 9, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (US 7330822 B1) in view of Pollalis (US 5016170 A) in view of Examiner's **Official Notice** and further in view of Rosnow, et al. (US 7051036 B2).

Claims 9 and 18:

Note that although claims 9 and 18 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson teaches various types of activities such as tasks (Robson [abstract]), deliverables (Robson [6,36]). Robson further teaches that several projects may be managed each involving tasks, etc. (Robson [5,64] and [9,27]). Robson/Pollalis do not specifically describe and/or disclose the activity 'gates' as in the following limitation, but Rosnow, as shown, does.

- *the first and second activities are selected from a group consisting of: phases, tasks, deliverables, and gates* (Rosnow, in at least [0025] refers to "development <u>phases</u>" and "Project data [...] and <u>tasks</u> [...]" (emphasis added). Rosnow, in at least [0039] states: "Some of the task <u>deliverables</u> [...]" (emphasis added). Finally, Rosnow refers to gates in at least [0010]: "The system [...] prompts decision-makers [...] before

proceeding further with the project at <u>predetermined gates</u> of the development

process." (emphasis added).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the

invention to combine the teachings of Robson/Pollalis with those of Rosnow as they permit a

variety of different types of activities to be encompassed and handled by project management

software and systems and thereby enable greater application of the systems and methods

described in the instant application to complex project management problems.

Claim 21:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above.

Robson/Pollalis do not specifically describe and/or disclose the following limitations, but Rosnow,

as shown, does.

- *said user interface is a JAVA application* (Rosnow [6,51] refers to use of Java script

    for creating a user interface)

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to

combine the teachings of Robson/Pollalis with that of Rosnow because, as is widely known, use of Java

is platform independent, hence "ports well from one operating system to another" (see Application,

[0034]) and thus provides for greater market penetration and wider adoption of the system and methods

described.

12. Claims 7, 8, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robson/Pollalis and further in view of Applicant's own prior art.

Claims 7 and 17:

Note that although claims 7 and 17 have different dependencies and, hence different preambles

(where, for example, in claim 7 there is an *electronic schedule* and in claim 17 there is a *system*),

they have identical scope and so are addressed together. Robson describes and/or discloses the

following limitations as shown above.

- *The method of Claim 1 [11] wherein said computerized schedule is operable by*

    program managers to raise issues, alert [other] program managers of scheduling

> *changes, arrange team meetings, and initiate phase exit reviews* (Robson, in at least
> the abstract states: "<u>An Issue</u>, a Change Request and/or a <u>Change Order</u> may be
> <u>remotely defined</u>." (emphasis added) where 'issue' that is 'remotely defined'
> corresponds to *raise issues,* 'change request' and 'change order' correspond to
> *scheduling changes.* Robson, in at least [0016] states: "The present invention may
> [...] be configured to <u>send a message</u> (such as by <u>email</u>, for example) to <u>the person</u>
> <u>assigned</u> to any given Task, Issue, <u>Change Request</u> and/or Change Order."
> (emphasis added) where 'send a message' via 'email' corresponds to *electronic*
> *schedule [that] is operable* and 'the person assigned' to effect a 'change request'
> corresponds to a *manager* that is *alert[ed]* via email.)

Robson does not specifically refer to *arrange team meetings, and initiate phase exit reviews,* but
Applicant, as shown, does. Applicant in at least [0006] of the description of prior art states:
"Program management resources include metrics, problem logs, alerts, <u>team meetings, phase</u>
<u>exit reviews</u>, and audits." (emphasis added). As further shown by the teachings of Robson and
Pollalis, a great deal of development in project management software systems has occurred over
the course of many years (from at least the time of Pollalis' invention). As web-enabled
commerce evolved and more complex projects undertaken, a *natural scaling up* of project
management software and systems that permit management across traditional boundaries is
evident as shown in Robson [1,42]: "Large and complex projects may involve hundreds or
thousands of people, and are often widely distributed, not only across geographical and political
boundaries, but also across enterprise boundaries and time zones."

Therefore, it would have been obvious to one with ordinary skill in the art at the time of
the invention to combine the teachings of Robson/Pollalis with Applicant's admitted prior art
thereby providing the capability of establishing tasks and activities, graphically displaying task
interdependencies, storing such data in a database, and giving managers the capability to view
and track project developments and otherwise usefully manage complex projects as these

combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects.

Claims 8 and 15:

Note that although claims 8 and 15 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson/Pollalis do not specifically describe and/or disclose the following limitation, but Applicant's own prior art, as shown, does.

- *displaying problem logs associated with the computerized [electronic] schedule* (Applicant in at least [0006] of the description of prior art states: "Program management resources include metrics, problem logs, alerts, team meetings, phase exit reviews, and audits." (emphasis added). Paragraphs [0007-9] also refer to scheduling methods and techniques.)

As shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional boundaries is evident. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with Applicant's prior art thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments and otherwise usefully manage complex projects as these combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's acting supervisor, **Beth Boswell** whose telephone number is **571.272.6737** may be contacted.

The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure are:

- Kulkarni, et al. (US PgPub 20030028579 A1)

- Corral (US 7337124 B2)

- Unite (US 7533033 B1)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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Alexandria, VA 22314.

Mark A. Fleischer
/Mark A Fleischer/
Examiner, Art Unit 3624   13 March 2010

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623